

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

January 31, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM
DEPUTY

EVGHENIA JENES)

Plaintiff)

v.)

SECRETARY OF VETERANS
AFFAIRS)

Defendant)

CIVIL ACTION NO.
SA-22-CV-740-OLG

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

The Court has considered the report and recommendation of United States Magistrate Judge Elizabeth S. Chestney, filed in the above-styled and numbered cause on December 11, 2023. Docket no. 24. Defendant objected to the recommendation in part. Docket no. 30.

The Court has conducted an independent review of the objected to findings and conclusions and has reviewed the applicable law. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court agrees with the Magistrate Judge's findings and conclusions and accepts the Magistrate Judge's recommendation.

It is therefore ORDERED that the Magistrate Judge's recommendation (docket no. 24) is ACCEPTED and Defendant's motion to dismiss (docket no. 20) is GRANTED IN PART and DENIED IN PART. For the reasons stated in the recommendation, Plaintiff's state law claims, her claims of disability discrimination and retaliation under the ADA and Rehabilitation Act, and her claims of hostile work environment and race discrimination under Title VII are dismissed with prejudice. Plaintiff's claims of

national origin and sex discrimination and retaliation under Title VII shall remain pending.

SIGNED on the 31 day of January, 2024.

A handwritten signature in blue ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE